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Via ECF

Hon. Colleen McMahon
Senior U.S. District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: United States v. Polad Omarov, 22 Cr 438 (CM)
Defendant Omarov's Reply to Government's Opposition to Defense Motion to Suppress Post-Arrest Statements

Dear Judge McMahon:

The Defense respectfully submits that the Government's opposition to the Defense motion to suppress Mr. Omarov's post-arrest statements improperly contains a statement of fact unsupported by the record.

The Government claims, without any sworn statements of fact in support of the assertion, that "[d]uring a period of relative quiet reflected in the recording at timestamps 2:00 to 3:18, during which Omarov did not speak, Omarov read the Advice of Rights Form." *Gov't Opposition* at 3. The Government fails to proffer any evidence that Mr. Omarov was able to read and understand the document written in Russian as opposed to staring at the document. Furthermore, since the filing of the Defense motion to suppress, facts regarding Special Agent Daniel Mardakhayev's proficiency, or lack thereof, in both reading and speaking Russian have come to light.

The Defense respectfully requests a hearing to determine whether Special Agent Mardakhayev's deficient language skills prohibited him from orally advising Mr. Omarov of his rights, and accurately conveying Mr. Omarov's statements to the English-speaking agents.

Respectfully submitted,

Dated: February 25, 2025
New York, New York

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cc: All attorneys of record (via ECF)